

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANDREW PALMER, :

Plaintiff, :

07 Civ. 4056 (RMB)

- against - :

**ANSWER**

ACCOUNT CONTROL TECHNOLOGY, INC, :

Defendant. :

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Defendant Account Control Technology, Inc. ("Defendant"), by its attorneys Wilson, Elser, Moskowitz, Edelman & Dicker LLP, as and for its Answer to plaintiff's Complaint for Violation of the Fair Debt Collection Practices Act ("Complaint"), responds as follows:

**INTRODUCTION**

1. Defendant denies the allegation in paragraph 1 of the Complaint that it repeatedly violated the FDCPA. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 1 of the Complaint and leaves the Plaintiff to his proofs with respect thereto.

**JURISDICTION**

2. Defendant neither admits nor denies the allegations contained in paragraph 2 of the Complaint because they call for a conclusion of law and do not require a response.

**THE PARTIES**

3. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Complaint and leaves the Plaintiff to his proofs with respect thereto.

4. Defendant admits the allegations contained in paragraph 4 of the Complaint.

**FACTUAL ALLEGATIONS**

5. Defendant admits the allegations contained in paragraph 5 of the Complaint.

6. Defendant admits the allegations contained in paragraph 6 of the Complaint, and states that the document referenced therein speaks for itself.

7. Defendant admits the allegations contained in paragraph 7 of the Complaint insofar as letters were sent to plaintiff's PO Box in New York, NY on the dates listed in paragraph 7. Defendant denies the remaining allegations contained in paragraph 7 of the Complaint.

**FIRST CAUSE OF ACTION**

**VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT**

8. Defendant incorporates by reference each of the responses given above in paragraphs 1 through 7.

9. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Complaint, and refers them to the court because they call for a conclusion of law.

10. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Complaint, and refers them to the court because they call for a conclusion of law.

11. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Complaint, and refers them to the court because they call for a conclusion of law.

12. Defendant denies the allegations contained in paragraph 12 of the Complaint.

13. Defendant denies the allegations contained in paragraph 13 of the Complaint.

14. Defendant denies the allegations contained in paragraph 14 of the Complaint.

**FIRST AFFIRMATIVE DEFENSE**

The Complaint fails to state claims upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Defendant denies any violation of FDCPA.

**THIRD AFFIRMATIVE DEFENSE**

In the event the Plaintiff establishes any of his allegations, Plaintiff's claims are not actionable because Defendant's conduct would qualify as a bona fide business error under the FDCPA.

WHEREFORE, defendant Account Control Technology, Inc. demands judgment against Plaintiff dismissing the Complaint, together with costs and disbursements of this action, and granting such other and further relief as this Court may deem just and proper.

Dated: White Plains, New York  
July 17, 2007

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: s/ Emily A. Hayes  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 17, 2007, the foregoing Answer to Plaintiff's Complaint was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

s/ Emily A. Hayes  
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